

**Town Council Minutes
Morehead City, North Carolina**

Tuesday, March 10, 2015

The Honorable Council of the Town of Morehead City met in Regular Session on Tuesday, March 10, 2015, at 5:30 p.m., in the Municipal Chambers located at 202 South 8th Street, Morehead City, North Carolina. Those in attendance were:

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| MAYOR: | Gerald A. Jones, Jr. |
| MAYOR PRO-TEM: | George W. Ballou |
| COUNCIL: | William F. Taylor |
| | Demus L. Thompson |
| | Harvey N. Walker, Jr. |
| | Diane C. Warrender |
| CITY MANAGER: | David S. Whitlow |
| CITY CLERK: | Jeanne M. Giblin |
| CITY ATTORNEY'S OFFICE: | Nelson W. Taylor, III; Derek Taylor; Mike Thomas |
| OTHERS: | Craig Lands; Tom Kies; Don Gray; Bill Dixon; Holly Fletcher; Mark Hibbs, Reporter, THE CARTERET NEWS TIMES; Corinne Geer; Roldan Munoz; Casey Wagner; Crystal Hesmer; Lou Teer; Pollas Teer; Rob Cheshire; Lou Wilson; Katrina Smith |

I. Regular Meeting Call to Order, Invocation and Pledge of Allegiance

Mayor Jones called the meeting to order at 5:30 p.m. Councilman Thompson gave the invocation and all joined in The Pledge of Allegiance.

II. Adoption of the CONSENT AGENDA

Mayor Jones stated that Item II.I. *Award the Complete Renovation of the Men's Rest Room in the Recreation Building at 1600 Fisher Street to the lowest bidder, Brydge & Lee, in the amount of \$52,900, will be changed as Brydge & Lee rescinded their bid due to a verified mathematical error.*

**II.A. Approval of Minutes: Friday, February 6, 2015, Special Meeting
Tuesday, February 10, 2015, Regular Meeting**

Approved the Town Council Minutes of Friday, February 6, 2015, Special Meeting and Tuesday, February 10, 2015, Regular Meeting and dispensed with the reading.

II.B. Approve the Requests for Release of Overpayment of Ad Valorem Taxes for February 2015, in the amount of \$4,108.74; and Accept the Tax Collector and Finance Director Reports for February 2015

Approved the requests for release of overpayment of ad valorem taxes for February, 2015, in the amount of \$4,108.74; and accepted the Tax Collector and Finance Director Reports for February 2015. [The financial documents are attached to and made a part of these minutes herein by reference.]

II.C. Adopt Resolution 2015-11 Endorsing Military Appreciation Day and Authorizing Action Necessary for the Event to be held on Friday, Saturday and Sunday, May 29, 30 and 31, 2015, on the Morehead City Waterfront [Jaycee Park] and City Park [Train Depot]

The first Military Appreciation Day [MAD] started in the former Raps Restaurant on May 21, 2006, and has since grown to include a good portion of downtown Morehead City. Military Appreciation Day is an event dedicated to a day of fishing, food and live entertainment for active duty military, guard and reserve members and their families. The Public Works Committee of the Council reviewed the request at their last meeting and recommended approval.

Mr. Don Gray, a representative of MAD, stated he has been with MAD since 2008. This is the tenth year for this event to be held in Morehead City. Last year over 500 troops got to fish and feed their families and enjoy Morehead City. MAD has over 300 volunteers who work on putting on this event many of whom come down in the days before the event to fish and enjoy the area. He continued that he has received great support this year from the

community and he thanked them and the Council for allowing the event in Morehead City.

Adopted Resolution 2015-11 Endorsing Military Appreciation Day and authorizing action necessary for the event to be held on Friday, Saturday and Sunday, May 29, 30 and 31, 2015, on the Morehead City Waterfront [Jaycee Park] and City Park [Train Depot]. [Resolution 2015-11 is attached to and made a part of these minutes herein by reference.]

II.D. Adopt Resolution 2015-12 Endorsing the Big Rock Blue Marlin [Crystal Coast Tournaments]/Downtown Morehead City Revitalization [DMCRA] Concert Event and Authorizing Action Necessary for the Event to be held Saturday, May 30, 2015 on the Morehead City Waterfront [Jib Plaza]

This is the first occasion for this joint venture with the Big Rock Blue Marlin Tournaments [Crystal Coast Tournaments] and the Downtown Morehead City Revitalization Association [DMCRA] to hold a concert on Saturday, May 30, 2015, on the newly completed Jib Plaza. The entities will engage a band to conduct appropriate family musical entertainment on the deck at Ottis Landing beginning at 8:30 p.m. and ending at 11:30 p.m. The Public Works Committee of the Council reviewed the request and recommended its adoption.

Casey Wagner, on behalf of the Big Rock/Blue Marlin Tournament, stated he appreciated everyone's support of this event.

Adopted Resolution 2015-12 Endorsing the Big Rock Blue Marlin [Crystal Coast Tournaments]/Downtown Morehead City Revitalization [DMCRA] Concert Event and authorizing action necessary for the event to be held Saturday, May 30, 2015, on the Morehead City Waterfront [Jib Plaza]. [Resolution 2015-12 is attached to and made a part of these minutes herein by reference.]

II.E. Request from Lou Wilson of Arts & Things to hold Artists Painting "In Plein Air" the Third Saturday of Each Month Beginning in April and ending in Autumn at the Marlin Fountain on Jib Plaza

Last year was the first year that Lou Wilson of Arts & Things on the Morehead City Waterfront requested the use of the area around the Marlin Fountain on Jib Square for an art event consisting of 10 – 12 [maximum] artists painting "in plein air" from 10 a.m. to 4 p.m. beginning the third Saturday of each month from April until autumn as the weather permits. The artists have easels and painting equipment. No utilities are allowed or needed. The artists would be able to sell their work. Acoustic, non-invasive music may be played during those hours. The staff at Arts & Things is responsible for the organizing and policing of the area to be sure that nothing is damaged during the time span. Also, for safety reasons, it is requested that the Shepherd Street portion of the fountain area be closed to traffic during the painting hours. This event proved very successful last year both for the local artists and those viewing the paintings. The Public Works Committee of the Council reviewed the request and recommended approval.

Lou Wilson requested if the artists could bring tents or sun shades to get out of the sun and the Council concurred with her request. She also thanked Morehead City for allowing these events to take place.

Granted the request from Lou Wilson of Arts & Things to hold Artists Painting "In Plein Air" the third Saturday of each month beginning in April and ending in Autumn at the Marlin Fountain on Jib Plaza.

II.F. Adopt Resolution 2015-13 Endorsing the Seventh Annual Reelin' for Research, Inc., Fishing Tournament and Authorizing Action Necessary for the Event to be held Saturday, May 2, 2015, on the Morehead City Waterfront

Reelin' for Research, Inc., Fishing Tournament is an annual event that raises money for the North Carolina Children's Promise, a statewide initiative, which is a year round campaign to promote the North Carolina Children's Hospital. The tournament events will be held on Saturday, May 2nd, 2015, at the Fabulous Fisherman's Room, Jack's Waterfront Bar and the 6th Street boat day docks on the Morehead City waterfront. The Public Works Committee of the Council reviewed the request at their last meeting and recommended approval.

Holly Fletcher stated that she is one of the liaisons for the tournament. People come from all over the state for this event which is in its seventh year and has hit the million dollar mark in raising funds for charity. There are no prizes in this tournament all the money is returned to charity, mainly for cancer awareness. She thanked the Council for allowing this event to be held in Morehead City.

Adopted Resolution 2015-13 Endorsing the Reelin' for Research, Inc. Fishing Tournament and Authorizing action necessary for the event to be held on Saturday, May 2, 2015, on the Morehead City Waterfront. [Resolution 2015-13 is attached to and made a part of these minutes herein by reference.]

II.G. Adopt Resolution 2015-14 Supporting the Existing School Calendar

Atlantic Beach Mayor Trace Cooper announced at the last Crystal Coast Mayors' Association Meeting that it seems the General Assembly is again discussing a proposed shortened summer vacation for school districts. The resolution contains information on the starting of the school year in late August and the important economic impact this has on the state. Mayor Cooper requested that all the neighboring towns adopt a similar resolution and forward it on to the State Tourism Board as well as our legislators.

Adopted Resolution 2015-14 supporting the existing school calendar. [Resolution 2015-14 is attached to and made a part of these minutes herein by reference.]

II.H. Award the Tournament Central [Big Rock – Jib Site Weigh Station] Project to the Lowest Bidder, T.D. Eure Marine Construction LLC, in the amount of \$109,120

Bids received for the construction of the weigh station located a 709 Shepard Street [Big Rock – Jib Site] were reviewed and discussed at the last Public Works Committee Meeting. The bids received were as follows:

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| T.D. Eure Construction Company, Inc. of Beaufort | \$109,120.00 |
| Bogue Banks Marine Construction | \$115,095.00 |

The low bidder, T.D. Eure Construction Company, is on site constructing Otis' Landing and has indicated there would be no problem including this project in the schedule. The recommendation of the Public Works Committee of the Council was for the Council to award the Tournament Central Weigh Station work to T.D. Eure Construction, Inc. in the amount of \$109,120.

Awarded the Tournament Central Weight Station [Big Rock – Jib Site] to T.D. Eure Marine Construction LLC in the amount of \$109,120.

~~II.I. Award the Complete Renovation of the Men's Rest Room in the Recreation Building at 1600 Fisher Street to the lowest bidder, Jerry Lawrence General Contractor in the amount of \$85,900~~

Award the Complete Renovation of the Men's Rest Room in the Recreation Building at 1600 Fisher Street to the lowest bidder, Jerry Lawrence General Contractor in the amount of \$85,900

Bids received for the complete renovation of the Men's Rest Room on the eastern side of the Recreation Center were received on Thursday, March 5th and were as follows:

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| Brydge & Lee | \$52,900 |
| Jerry Lawrence General Contractor | \$85,900 |
| Primus Contracting | \$90,583 |
| S. F. Ballou Construction | \$91,999 |

The lowest bid from Brydge & Lee was rescinded by the bidder due to a verified mathematical error. The next lowest bid was Jerry Lawrence General Contractor in the amount of \$85,900. City Staff recommended the acceptance of the bid from Jerry Lawrence General Contractor in the amount of \$85,900.

Awarded the complete renovation of the Men's Rest Room in the Recreation Building at 1600 Fisher Street to Jerry Lawrence General Contractor in the amount of \$85,900.

Councilman Ballou MOVED, seconded by Councilman Taylor, and carried unanimously to adopt the CONSENT AGENDA in one [1] motion.

III. Unfinished Business: Adopt Ordinance 2015-06 Amending Article III, Mayor and Council, Section 3.3[a] Terms, Qualifications, Vacancies, of the Charter of the Town of Morehead City to Provide for Electing the Mayor for a four [4] Year Term of Office

North Carolina General Statutes 160A-101 and 160A-102 allow a city to modify their charter to change the terms of office of members of the council by ordinance. Members of council can serve terms of office of either two [2] years or four [4] years. All the terms need not be the same length, and all the terms need not expire in the same year.

Under NCGS 160A-102, the Morehead City Council can amend the current City Charter regarding the term of office of Mayor from two [2] years to four [4] years. The Council adopted a Resolution of Intent to consider such an action at the December 9, 2014, Council Meeting setting the date of the public hearing for January 13, 2015. At the public hearing no one spoke for or against the Charter change.

At the Council Meeting held February 10, 2015, this matter was again addressed by the Council at which time four [4] of the five [5] Councilmembers concurred that it would be best if the Ordinance would take effect with the election to be held in 2017 in order to have an equal distribution of three [3] Councilmembers seeking election each election cycle. The motion to adopt the Ordinance for the change from a two [2] year term of office for the Mayor to a four [4] year term did not receive a supermajority vote in order to be adopted. The proposed ordinance, which was amended so that the first four [4] year term shall be served by the Mayor elected in the 2017 mayoral election, was again presented for a second reading at which time a simple majority vote will suffice for adoption. The ordinance would become effective on April 13, 2015, if no referendum petition is received.

Councilwoman Warrender MOVED, seconded by Councilman Thompson, to adopt Ordinance 2015-06 Amending Article III, Mayor and Council, Section 3.3[a] Terms, Qualifications, Vacancies, of the Charter of the Town of Morehead City to Provide for Electing the Mayor for a four [4] year term of office commencing with the 2017 municipal election. The motion carried with a vote of three [3] to two [2] with Councilman Ballou and Walker voting opposed.

IV. Citizen Requests/Comments: [2 minute time limit]

Katrina Smith of 2807 Myrtle Street, Morehead City stated that she was pleased to see that the Council was reconsidering the storage of small boats at the South 11th Street Beach Access. She continued that she saw that many of the boats have a difficult time with launching especially the Hobie Cats. She stated that she hoped that a compromise could be reached to help the sailors in the community.

Roldan Munoz 1610 of Ivory Gull Drive, Morehead City stated he appreciated the work of the Council and hoped the South 11th Street Beach Access would be reopened to boat storage.

V. City Manager's Report: Public Officials Travel & Training Policies

City Manager David Whitlow reported that changes in the IRS interpretations of travel and training reimbursements for bodies such as the Council have created confusion in recent months. In order to clarify what is allowed and what kind of documentation is required, the Finance and Administration Committee undertook the development of a uniform policy for the City Council.

The Committee discussed this proposal at length and has recommended adoption by the full Council. Once adopted by the Council, this will regulate all future travel and training by the Council and Mayor.

Councilman Taylor MOVED, seconded by Councilman Thompson, and carried unanimously, to adopt the Morehead City Public Officials Travel & Training Policy as presented.

VI. CLOSED SESSION AS PER G.S. 143.318.11[A][3] TO CONSULT WITH THE CITY ATTORNEY REGARDING POTENTIAL LITIGATION

Councilman Thompson MOVED, seconded by Councilman Ballou, and carried unanimously, to enter into CLOSED SESSION.

Councilman Ballou MOVED, seconded by Councilman Thompson, and carried unanimously, to return to OPEN SESSION.

VII. Unfinished Business Part 2: South 11th Street Beach Access Site

The Town Council previously discussed the need to reconsider the allowing of small boat storage at the South 11th Street Beach Access site.

Mayor Jones stated that he would entertain a motion to release the restrictions at the South 11th Street Beach Access to allow overnight storage and to approve the presented guidelines for the use of the property.

Councilman Thompson MOVED, seconded by Councilman Taylor, to release the restrictions at the South 11th Street Beach Access to allow overnight storage of small boats and to approve the presented guidelines for the use of the property.

Councilwoman Warrender commented that she felt that the City should keep the hand launch area at the South 11th Street Beach Access and not include the South 10th Street Boat Launch area for the hand launch of small boats. She felt that the area at South 10th Street was difficult to launch small boats from dollies.

Councilman Ballou replied that the City was going to use both places because of limited storage and access, therefore, leaving both areas open for use by small hand launched boats.

Councilman Thompson commented that the City opened South 10th Street for the purpose of launching small motorized boats to help alleviate the boat traffic at the Visitor's Center site.

Mayor Jones commented that the regulations are a start which can be tweaked in the future.

City Manager Whitlow said he would check on the removal of the pilings in the area and that the proposed regulations would be updated with a procedure for registration set in place.

With that, Councilman Thompson amended the motion as presented with the exception of allowing small boat storage at the end of the South 10th Street. The motion was seconded by Councilman Taylor and carried unanimously.

VIII. Council Requests/Comments

Councilwoman Warrender commented that she was glad that the South 11th Street Beach Access could be worked out. Morehead City is a waterfront community and public water access is there for everyone's enjoyment.

Councilman Taylor commented he was glad to see the issue settled. The Morehead City Council has long history of promoting public access. This is a move in that direction.

Councilman Walker stated that the use of South 11th Street Beach Access is a good idea and positive for the City.

Councilman Ballou commented there was so much pressure from both sides of the issue, the sailors and the property owners. He was glad that the City was able to reach a good conclusion and a good policy.

Councilman Thompson stated he was 100 percent [100%] for the public use of the property.

Mayor Jones commented that it was a matter of property rights and public access. He charged the public to help the City with the maintenance of the beach access site and to self-regulate themselves; to adhere to the regulations; when it is time to remove the boats for winter to do so; and not to encroach on private property.

IX. Adjournment

There being no further business, the meeting was adjourned at 6:30 p.m.

Attest:

Jeanne M. Giblin, City Clerk

Gerald A. Jones, Jr., Mayor